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Defendant(s).

## ORDER


The delay in addressing Plaintiff's second Motion/Application for Leave to Proceed *in forma pauperis*, and this matter going forward is due to Plaintiff's motions to recuse the Magistrate Judge, not to any bias or prejudice on the part of Judge Johnston. Bias or prejudice on his part has not been shown. The fact that Plaintiff does not like, or disagrees with, Judge Johnston's rulings is not evidence that he is prejudiced against Chanley.

Plaintiff mistakenly calls this Order 11. Document #11 is his motion for Magistrate Judge to Reconsider Magistrate Order #10. The Judge's Order is document #12.

1           The Court has conducted a *de novo* review of the record in this case in accordance  
2 with 28 U.S.C. §636(b)(1)(A), (B), and (C) and Local Rule IB 3-1 and determines that the Order of  
3 Magistrate Judge 12 is not clearly erroneous or contrary to law and should be affirmed.

4           IT IS THEREFORE ORDERED Plaintiff's Appeal of Magistrate Judge's Order of  
5 April 8, 2010, denying Reconsideration of Order 12 is without merit and that Magistrate Judge's  
6 Order (#12, incorrectly called Order 11 by Plaintiff) is AFFIRMED.

7           Dated: May 25, 2010.

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10          **ROGER L. HUNT**  
11          Chief U.S. District Judge  
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